

REMARKS

Claims 1-10 and 15-17 are pending in the present application. With this amendment, claims 1, 6, and 15 are amended. After entry of the attached Request for Reconsideration, and in view of the above claim amendments, reconsideration of claims 1-10 and 15-17 is respectfully requested.

**Claim Rejections – 35 USC § 102 and 103**

The Examiner has rejected claims 1-10 under 35 U.S.C. § 102(b) as being anticipated over U.S. Patent No. 6,761,987 to Marvin et al. (hereinafter Marvin). The Examiner has also rejected claims 15-17 under 35 U.S.C. § 103(a) as being unptentable over Marvin in view of U.S. Patent Publication No. 2003/0194589 to Pratt et al. (hereinafter Pratt). These rejections are respectfully traversed.

The Applicant respectfully traverses the rejection of claims 1-10, because Marvin does not anticipate the combination of features recited by claims 1-10.

In particular, claim 1 recites an electronic apparatus to which a fuel cell unit is attachable, including among other things:

a first control section to instruct the fuel cell unit, through a portion connecting the electronic apparatus and the fuel cell unit, to charge the secondary battery using power supplied from the fuel cell in a case where a capacity of the secondary battery is smaller than a first value when a power supply of the electronic apparatus is turned off; and

a second control section to instruct the fuel cell unit, through a portion connecting the electronic apparatus and the fuel cell unit, to start up when a power supply of the electronic apparatus is turned on, the fuel cell unit driving the auxiliary mechanism for the fuel cell using power charged in the secondary battery in response to the instruction of the start-up.

Thus, claim 1 recites *inter alia*, that an electronic apparatus to which a fuel cell unit is attachable, includes a first control section to instruct the fuel cell unit, through a portion connecting the electronic apparatus and the fuel cell unit, to charge the secondary battery using power supplied from the fuel cell in a case where the capacity of the secondary battery is smaller than a first value when a power supply of the electronic apparatus is turned off. That is to say, that the first control section acts to instruct the fuel cell unit, through a portion connecting the electronic apparatus and the fuel cell unit, that is all *perceptions* and *instructions* either received or transmitted from a first control section are *collectively*

*generated and collectively communicated* through, that is over a portion of the electronic apparatus and the fuel cell unit. In addition claim 1 recites, a second control section to instruct a fuel cell unit through a portion connecting the electronic apparatus and the fuel cell unit, that is the second control section both *perceives and instructs/communicates* over and through a portion connecting the electronic apparatus and the fuel cell unit to, for example, evaluate and turn on the fuel cell unit driving the auxiliary mechanism for the fuel cell, using a power charge (contained by and supplied from the secondary battery) in response to the instruction of the start-up.

Similarly, claim 6 recites an operation control method using an electronic apparatus to which a fuel cell unit is attachable, including among other things:

instructing, by the electronic apparatus, the fuel cell unit, through a portion connecting the electronic apparatus and the fuel cell unit, to charge the secondary battery using power supplied from the fuel cell in a case where a capacity of the secondary battery is smaller than a first value when a power supply of the electronic apparatus is turned off; and

instructing, by the electronic apparatus, the fuel cell unit, through a portion connecting the electronic apparatus and the fuel cell unit, to start up when a power supply of the electronic apparatus is turned on, the fuel cell unit driving the auxiliary mechanism for the fuel cell using power charged in the secondary battery in response to the instruction of the start-up.

Thus, claim 6 recites *inter alia*, that an operation control method using an electronic apparatus to which a fuel cell unit is attachable, includes both perceiving and instructing, by the electronic apparatus, the fuel unit (through a portion connecting the electronic apparatus and the fuel cell unit), to charge the secondary battery using power supplied from the fuel cell in the event where the capacity of the secondary battery is smaller than a first value and when a power supply of the electronic apparatus is turned off. That is to say, the operational control method which both perceives and instructs data communication for the fuel cell unit, for example, is collectively perceived and collectively transmitted through a portion connecting the electronic apparatus and the fuel cell unit. That is to say, a portion connecting the electronic apparatus and the fuel cell unit is collectively monitored for the event where a capacity of the second battery is smaller than a first value and when the power supply is being powered off. In addition, and as recited in claim 6, operational control method includes instructing, by the electronic apparatus, the fuel cell unit (through a portion connecting the electronic apparatus and the fuel cell unit) to start up when a power supply of the electronic apparatus is turned on. This is to say, the electronic apparatus collectively perceives and

collectively generates information to actively start-up when a power supply is turned on for specific activity, to include fuel cell activation using power provided by the secondary battery in response to a start up instruction.

Similarly, claim 15 recites an electronic apparatus to which a fuel cell unit is attachable, including among other things:

- a first control section to display information on a first screen indicating whether or not a capacity of the secondary battery is smaller than a preset value;

- a second control section to display information on a second screen in which at least one of a capacity of the secondary battery to be achieved and a time period to be charged is settable; and

- a third control section to instruct the fuel cell unit, through a portion connecting the electronic apparatus and the fuel cell unit, to charge the secondary battery in accordance with a content set on the second screen when the at least one of the capacity of the secondary battery to be achieved and the time period to be charged is set on the second screen, and turn off a power supply of the electronic apparatus after the charging is completed.

Thus, claim 15 recites *inter alia*, that an electronic apparatus to which a fuel cell unit is attachable, includes a first control section to display information on a first screen, and a second control section to display information on a second screen, and a third control section to instruct the fuel cell unit, through a portion connecting the electronic apparatus and the fuel cell unit. That is to say a third unit control section will collectively perceive and collectively instruct/communicate through a portion (of the electronic apparatus) connecting the electronic apparatus and the fuel cell unit. For example, such communication may include coordination with the capacity of the second battery relative to a specific time to charge (increase stored electric potential) for example, the second screen, and a turn off, that is power-off the power supply, once receiving the instructions through the electronic apparatus after the charging is completed.

However, Marvin does not show or disclose an apparatus including a first or second or third control section, to instruct the fuel cell unit, through a portion connecting the electronic apparatus and the fuel cell unit, as claimed in claims 1 and 15, Marvin also fails to show or disclose a method for instructing/communicating by the electronic apparatus, the fuel cell unit, through a portion connecting the electronic apparatus and fuel cell unit, as claimed in claim 6. Rather, Marvin discloses a structure that is quite different from the present invention. In regards to Applicant's invention as claimed in claim 1, and as Marvin is understood, Marvin's focus appears to be measuring the terminal voltage (called  $V_s$ ) of the cell voltages of stack 12. In fact, and as Marvin is understood, Marvin is silent to any

perceived or realized changes in voltage *potential across other portions of the discussed structure*. See, for example, column 3, lines 7-8, Fig. 1 and lines 54-58. As clearly discussed in Marvin, the fuel cell stack voltage and potential drop as measured by the fuel cell stack 12 (measured across the respective cell terminals) provides supplemental power, to reduce the drain on fuel cell stack 12. See, for example, column 3, lines 57-60. This construction clearly differs from the recitation in claims 1, 6, and 15 not only for the effective potential measured at or across the terminals of the fuel cell stack 12, but also in claim 1 for example, the electronic apparatus of Marvin does not include a first control section, for example, that collectively perceives and collectively receives, that is senses and provides instructions/communications to charge the secondary battery using power supply from the fuel cell in a case where the capacity of the secondary battery is smaller than a first value during the electronic apparatus being turned off, *and* a second control section to perceive and to generate instructions/communications to initiate a power supply of the electronic apparatus when power is turned on. The aforementioned *perception* and *instructions/communications* is based upon a cycling of the power circuit, for example, on and/or off, in response to the charging cycling between a primary fuel cell and a secondary battery. Additionally, in claim 6 for example, the operation control method includes a method for instructing/communicating with the electronic apparatus, by collectively perceiving and collectively instructing and/or communicating directions connecting the electronic apparatus and the fuel cell, to cycle between the primary fuel cell and a secondary battery in response to powering-up, that is start-up and powering-off, that is shut down. These deficiencies among others, render Marvin as particularly inapplicable to claims 1-10 and 15-17.

Therefore, Applicant respectfully submits that Marvin does not anticipate the combination features recited by claims 1-10 and the rejections under § 102 must be withdrawn. For at least the reasons discussed above, independent claims 1 and 6 are distinguishable over Marvin. Furthermore, claims 2-5 and 7-10, which depend from independent claims 1 and 6, respectively, further limit independent claims 1 and 6. Thus, for at least the reasons set forth with respect to claims 1 and 6, the rejection of claims 2-5 and 7-10 under § 102 is also improper and must be withdrawn.

Pratt fails to make up the deficiencies of Marvin with respect to claims 15-17. As Pratt is understood, Pratt merely provides a display means to display certain characteristics of a battery system. See, for example, Abstract. However, Pratt is completely silent concerning any control section to instruct the fuel cell unit, through a portion connecting the electronic apparatus and the fuel cell unit that is collectively perceived and collectively

instruct/communicate operations relating to the fuel cell unit. Therefore, Applicant respectfully submits that Pratt, fails to provide what is lacking from Marvin, and for at least the above reasoning is not properly combinable to render claims 15-17 obvious.

Therefore, Applicant respectfully submits that the rejection of claims 15-17 under § 103 is improper, and must be withdrawn.

**In Conclusion**

Applicant submits that the entry of this Amendment is proper under 37 C.F.R. §1.116, as the claim changes: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not require any further consideration as the claim changes employ limitations from originally-filed dependent claims that should have already been searched; and (c) places the application in better form for an Appeal, should an Appeal be necessary. In view of the above amendments and remarks, Applicants respectfully submit that all the claims are allowable and that the entire application is condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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